

REMARKS/ARGUMENTS

The Official Action of September 07, 2005, concludes the subject matter of the following Groups of claims lack unity under 37 C.F.R. 1.499, and requires Applicant to make an election between:

Group I (Claims 1 – 21) drawn to a device for treating thin-sectioned tissues, and

Group II (Claims 22 – 36) drawn to methods for treating thin-sectioned tissue

This requirement is traversed as not being in compliance with PCT Rule 13.1; 37 C.F.R.1.475(b)(4), and Annex B (Part 2), Section I of the PCT Administrative Instructions, Example (2).

Under U.S. practice the principles of unity of invention are to be used to determine the types of claimed subject matter and the combinations of claims to different categories of invention permitted to be included in a single national stage patent application, as in the case of the immediate application.

Under PCT Rules of Practice, a group of inventions is considered to be linked to form a single general inventive concept when there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression “special technical feature” is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

According to the MPEP section 1893.03(d) at page 1800-200: **An apparatus or means is specifically designed for carrying out the process when the apparatus or means is suitable for carrying out the process with the technical relationship being present between the claimed apparatus and the claimed process.**

For example, Claim 22, drawn to a method for treating thin-sectioned tissues on a support plate with at least one treatment liquid is performed by the steps which comprise:

- (i) filling at least one object support comprising recesses with a treatment liquid;
- (ii) bringing the object support into a treatment position;
- (iii) lowering the support plate onto the object support for contact between the treatment liquid and the thin-sectioned tissues, etc.

The **apparatus (device) of Claim 1** which was specifically designed for carrying out step (i) of Claim 22 provides for:

A device for treating thin-sectioned tissues with at least one treatment liquid, which comprises a support plate for said tissues and an object support comprising recesses for said treatment liquid.....

Accordingly, the device of Claim 1 recites an object support comprising recesses for a treatment liquid, and method Claim 22 recites the step of **filling the recesses of the object support with the treatment liquid.**

Hence, the device of Claim 1 and the method of Claim 22 each define at least one common technical feature not disclosed by the cited published application (WO 01/04634 Angros) which teaches microscope slides which are planar and free of Applicant's recesses for containment of treatment liquid.

Accordingly, contrary to the conclusion reached by the Official Action of September 07, 2005, unity does properly exist between the devices of Claims 1 – 21 (Group I) and the methods of Group II (Claims 22 - 36) wherein each share a common special technical feature not disclosed by the cited reference.

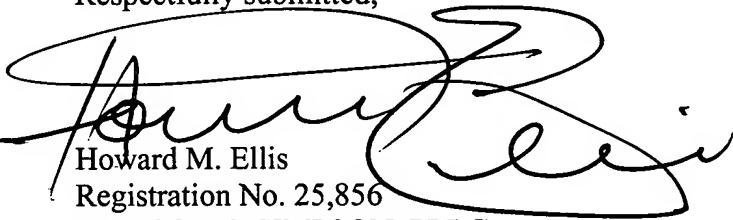
ELECTION

Applicant sincerely believes there is no basis for maintaining the lack of unity requirement. The requirement should be withdrawn in view of the foregoing facts.

There should also be a rejoinder of Groups I and II claims for purposes of examination.

Nevertheless, Applicant provisional elects with traverse Group I claims (Claims 1- 21) for further examination on the merits.

Respectfully submitted,



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Dated: 9/22/05